

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Seishi Kato et al.

Group Art Unit: 1642

Application Serial No: 09/254,760

Filing Date: April 16, 1999

Examiner: Wesley Lazar, Ph.D.

For: *Human Proteins Having Secretory Signal Sequences And DNAs Encoding These Proteins*

Attorney Docket No.: GIN-6704CPUS

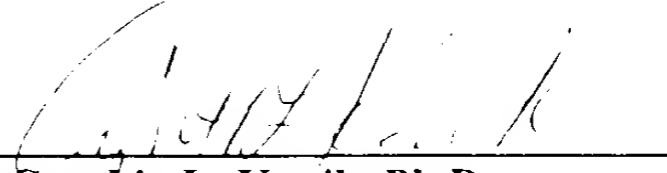
Commissioner for Patents
Office of Petitions
Box DAC
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November 2, 2001

Date of Signature and of Mail Deposit

By: 

Cynthia L. Kanik, Ph.D.

Reg. No. 37,320

Attorney for Applicant

PETITION TO REVIVE AN ABANDONED APPLICATION

PURSUANT TO 37 CFR § 1.137(b)

RECEIVED

Dear Sir:

18 2002

On April 16, 1999, Application Serial No. 09/254,760, claiming priority to PCT Application No. PCT/JP97/03239 (filed 12 September 1997), was filed on behalf of Sagami Chemical Research Center. A Notice of Abandonment (Paper No. 7) was issued on May 22, 2002.

Applicant respectfully requests that the above-identified application be revived under 37 CFR §1.137(b).

Under 37 CFR §1.137(b), a Petition to Revive an unintentionally abandoned application must be accompanied by: (1) any required reply, unless it has been previously submitted; (2) a petition fee as set forth in 37 CFR §1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and (4) any terminal disclaimer under paragraph (c) of this section.

Accordingly, Applicants submit with this Petition to Revive the following:

- (1) an Amendment and Response to the Office Communication dated June 2, 2000 (Paper No. 5);
- (2) a copy of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
- (3) a transmittal letter for diskette containing the substitute Sequence Listing;
- (4) a paper copy of a substitute Sequence Listing (pages 1 to 28);
- (5) a diskette containing a computer readable form (CRF) of the substitute Sequence Listing;
- (6) a check for the amount of \$904.00 for the additional independent claims; and
- (7) a check for the amount of \$1,280.00 for the petition fee under 37 C.F.R. §1.17(m).

It is respectfully submitted that the entire delay in filing the response until the filing of this petition was unintentional and the present petition is being filed within one year of the date of abandonment. A terminal disclaimer is not required under 37 CFR §1.137(c) because the subject application was filed after June 8, 1995.

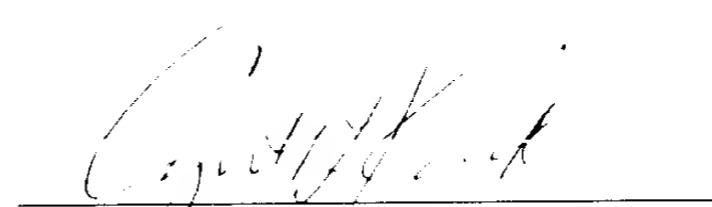
herewith. Enclosed is a check which covers the appropriate fee of \$1,280.00 based on large

entity status. Please charge any underpayments or credit any overpayments to our Deposit Account No. 12-0080. A duplicate of this sheet is enclosed.

If Applicants' undersigned attorney can be of assistance in furthering the prosecution of this application, the Examiner is invited to contact her at the telephone number listed below.

Respectfully submitted,

LAHIVE & COCKFIELD, LLP



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Dated: November 2, 2001